

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MICHIGAN

IN RE: SHELLY J MACINTYRE  
15131 DAVID AVE  
GRAND HAVEN, MI 49417

CASE NO: BG-20-00660  
Chapter 13  
HON. JAMES W. BOYD  
Filed: Feb 18, 2020

Confirmed: Aug 18, 2020

**AMENDED TRUSTEE'S MOTION TO DISMISS CHAPTER 13 CASE**

NOW COMES, Barbara P. Foley, Chapter 13 Trustee ("Trustee") and files her Motion to Dismiss for the following reasons:

FAILURE TO PROVIDE THE TRUSTEE WITH AMENDED SCHEDULES I AND J AND CURRENT PAY DOCUMENTATION WITHIN 45 DAYS OF THE ANNIVERSARY OF THE CONFIRMATION DATE AS REQUIRED BY 11 U.S.C. 521(F)(4)(B). WITHOUT THE ANNUAL BUDGET REVIEW, THE TRUSTEE HAS BEEN UNABLE TO DETERMINE WHETHER DEBTORS ARE COMPLYING WITH THE REQUIREMENT IN PROVISION IV.A. OF THE CONFIRMED PLAN TO PAY ALL DISPOSABLE INCOME TO THE CHAPTER 13 CASE. ONCE PROVIDED WITH UPDATED BUDGET INFORMATION, THE TRUSTEE MAY ASSERT THAT THERE HAS BEEN A MATERIAL DEFAULT WITH RESPECT TO A TERM OF THE CONFIRMED PLAN UNDER 11 U.S.C. 1307(C)(6).

WHEREFORE, your Trustee respectfully prays:

- A. That this Court enter an Order dismissing the Debtor's Chapter 13 Case.
- B. That this Court grant such other relief as it finds just and equitable.
- C. Upon dismissal of the Chapter 13 case, the Trustee has cause pursuant to 11 U.S. C. § 349(b) and may retain any funds on hand for such time as is necessary to accommodate the dishonor or recall period appropriate to the method of payment received.

Jul 26, 2021

/s/ Barbara P. Foley  
\_\_\_\_\_  
Barbara P. Foley (P34558)  
CHAPTER 13 TRUSTEE  
Po Box 51109  
Kalamazoo, MI 49005  
(269)343-0305

This document has been electronically filed with the Court and the Attorney for Debtor and mailed to the Debtor.

Attorney for Debtor:

JEFFREY D MAPES PLC  
29 PEARL ST NW STE 305  
GRAND RAPIDS, MI 49503